

45273
DO

SERVICE DATE – LATE RELEASE JUNE 27, 2016

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 290 (Sub-No. 324X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—
IN DURHAM COUNTY, N.C.

Decided: June 27, 2016

Norfolk Southern Railway Company (NSR) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon approximately 1.9 miles of rail line between milepost DP 0.3 and milepost DP 2.2 in Durham County, N.C. (the Line). Notice of the exemption was served and published in the Federal Register on May 27, 2016 (81 Fed. Reg. 33,727). The exemption is scheduled to become effective on June 28, 2016.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) in this proceeding on June 3, 2016, recommending that three environmental conditions be imposed on any decision granting abandonment authority. The environmental conditions would require NSR to: (1) consult with and notify the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities that would disturb or destroy any geodetic station markers to allow for the relocation of the station markers; (2)(a) prior to beginning salvage activities, consult with the North Carolina Department of Environmental Quality (NCDEQ) regarding potential impacts from the proposed abandonment related to water quality, solid waste, and hazardous materials and wastes, and (b) comply with the reasonable recommendations of NCDEQ to mitigate any potential impacts identified during consultation; and (3)(a) prior to beginning salvage activities, consult with the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact of the proposed abandonment on any individual Smooth coneflower or Michaux's sumac that may be present in the rail right-of-way, and (b) during salvage, follow the reasonable recommendations of USFWS to prevent impact to members of those species.

OEA issued its final EA on June 22, 2016, noting that no comments to the EA were received by the June 20, 2016 due date and reiterating that the three previously recommended conditions be imposed. Accordingly, the three conditions recommended by OEA in the EA will be imposed.

This action, as conditioned, will not significantly impact the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.

2. Upon reconsideration, the notice served and published in the Federal Register on May 27, 2016, exempting the abandonment of the Line described above, is subject to the conditions that NSR shall: (1) consult with and notify NGS at least 90 days prior to beginning salvage activities that would disturb or destroy any geodetic station markers to allow for the relocation of the station markers; (2)(a) prior to beginning salvage activities, consult with NCDEQ regarding potential impacts from the proposed abandonment related to water quality, solid waste, and hazardous materials and wastes, and (b) comply with the reasonable recommendations of NCDEQ to mitigate any potential impacts identified during consultation; and (3)(a) prior to beginning salvage activities, consult with the USFWS regarding the potential impact of the proposed abandonment on any individual Smooth coneflower or Michaux's sumac that may be present in the rail right-of-way, and (b) during salvage, follow the reasonable recommendations of USFWS to prevent impact to members of those species.

3. This decision is effective on its date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.